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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/409,128 09/30/99 CLAPPER

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EXAMINER

LM12/0524

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ART UNIT

PAPER NUMBER

2711

DATE MAILED:

05/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/409,128

Applicant(s)

Clapper

Examiner
"Krista" Kieu-Oanh Bui

Group Art Unit
2711



☒ Responsive to communication(s) filed on Feb 24, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-30 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. (2nd Reminder) Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claims 11-19, "an article storing instructions" is vague and indefinite, Applicants must clearly points out what exactly Applicants refer to. Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-8, 11-17, 20-25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. Patent No. 6,002,394) in view of Metz et al. (U.S. Patent No. 5,768,539).

Regarding claims 1, 11 and 20, Schein et al. (or "Schein" hereinafter) disclose a method of linking information to video information comprising linking video information with other information; and accessing other information in response to a user selection (see Figs. 16B& 17A-

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17C and col.22/ lines 41-63). As for claim 20, Schein further teaches a processor-based system comprising a processor (item 312/Fig. 12); and a storage coupled to processor (item 314/Fig. 12), storing software to link to additional information based on the user's selection (item 316/Fig. 12 and col.22/ lines 41-63).

Since Schein's system is a conventional linking system based on a hyperlinking technique using an uniform resource locator (or URL) locates an external or internal source whose address is encoded in the URL, Schein does not disclose the technique "based on the location of the video information on a frame and a frame identifier; and accessing the other information in response to user selection of a frame location" as claimed; however, the technique of retrieving video information based on the location of the video information on a frame and a frame identifier, i.e., time code/time stamp, and accessing the other information in response to user selection of a frame location is taught by Metz et al. (or "Metz" hereinafter) as Metz teaches a technique of downloading or retrieving video information through a digital network based on the location of the video information on frames and frames identifiers, i.e., time stamp values (see col. 6/lines 29-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein's conventional linking system with Metz's enhanced video information retrieving system in order to obtain an enhanced linking system that offer the special linking technique for retrieving or accessing video information based on the location of video information on frames and frame identifiers or time stamps. The motivation for doing this is to have an advantage for accessing or link to multiple pages or information from locations within a

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page without accessing to the codes for that page as normally applied in the conventional linking system.

Regarding claims 2, 12 and 22, in view of claim 1 above, Schein also teaches a display grid system and specifying at least one location in grid system using coordinates, i.e., a grid system of representing times and channel according to a selected location on that grid (see Schein, Fig. 16A and col. 21/lines 20-30).

Regarding claims 3, 13 and 23, in view of claim 1 above, Metz does disclose: “developing a frame identifier using a time code” (Metz, col. 14/lines 6-50 and col. 15/lines 26-45).

As for claims 4 and 14, in further view of claim 1 above, Metz teaches that Metz’s system includes linking to other information without encoding a hyperlink into the video information, i.e., video information is accessed by frames and time stamps not encoding a hyperlink into the video information (Metz, col. 6/lines 47-55).

As for claims 5, 15 and 25, in view of claim 1 above, the step: “ including linking to other information on the same medium that stores said video information” is taught by Schein as Schein reveals the step of storing data from cable system into a memory 314 within cable system (see Schein, col. 17/lines 35-45).

Regarding claims 6, 16 and 24, in further view of claim 1 above, Schein also includes linking video information on one processor-based system to other information on a separate processor-based system, i.e., while watching a movie or a program from the cable system, a user

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can link to other information of a news, or a cooking lesson from the TV system (see Figs 17B & 17C and col. 2/lines 33-49).

Regarding claims 7-8, 17 and 21, the steps: "wherein accessing said other information includes using a pointing device to select a location on a frame" and "wherein using a pointing device includes using a remote control unit" are taught by Schein (see Figs. 11 & 16A and col. 21/lines 32-42).

As for claim 28, in view of claim 1 above, the combination of Schein and Metz teaches the system including linking to different video information based on the user's selection of a location and a frame on a display of video information as subscribers interacts with broadcast sources to select desired channels via a set-top box (Schein, Figs. 16A & 16B and Metz, col. 9/lines 33-65).

As for claim 29, in further view of claim 1, the combination of Schein and Metz also teaches of including automatically linking to said different video information based on the user's selection of a particular frame location using a pointing device (Schein, Fig. 11/item 210).

4. Claims 9-10, 18-19, 26-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (U.S. Patent No. 6,002,394) in view of Metz et al. (U.S. Patent No. 5,768,539) and Youden et al. (U.S. Patent No. 5,815,146).

Regarding claims 9-10 and 18-19, Schein and Metz do not clearly show the steps of "receiving a video stream, and pausing said video stream when accessing said other information" and "automatically resuming the playback of said video stream when the other information is no

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longer being accessed”; however, Youden teaches a technique of pausing a video program, i.e., halting it or putting it in an inactive status, when the user access the other information and automatically resuming the playback of that video program when the other information is no longer accessed (see Youden, Pause command as of VCR services in col. 14/lines 1-12 and Figs. 11 & 12a-d). Therefore, it would have been obvious to one of ordinary skill in the art to modify Schein and Metz’s technique with Youden’s technique of controlling the execution of a video program by automatically suspending a first program when a second program being accessed and resuming back to the first program if the second program is no longer being accessed in order to offer an enhanced system that allow viewers not to miss any portion of a whole broadcasting program while accessing other information during the playback of that program as desired.

As for claims 26-27 and 30, in view of claims 9 and 10 above, the combination of Schein, Metz and Youden teaches a method of recording incoming video information comprising storing video information as received (see Schein, “Recordings”/Fig. 19A on the program guide for recording purposes), for playback in the sequence the information was received; allowing playback of any portion of stored video information while continuing to store incoming video information; and automatically pausing the playback of video information when the user changes the software focus, while continuing to record the incoming video stream (see Examiner’s discussion above).

Conclusion

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5. Machida et al. (U.S. patent No. 6,035,304) disclose a system for storing and playing a multimedia application adding variety of services specific thereto.

Metz et al. (U.S. patent No. 5,978,855) disclose technique of downloading applications software through a broadcast channel.

Krisbergh et al. (U.S. patent No. 5,999,970) disclose an access system and method for providing interactive access to an information source through a television distribution system.

Kunkel et al. (U.S. patent No. 5,961,603) disclose an access system and method for providing interactive access to an information source through a networked distribution system.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park III, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Krista Bui
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May 18, 2000

A handwritten signature in black ink, appearing to read 'Nathan Flynn', with a large, stylized flourish at the end.

Nathan Flynn
Primary Examiner